

#8a 8.1.97  
TBray

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of  
BRANSTROM et al.

Appln. No. 08/711,961

Filed: September 6, 1996

Title: BACTERIAL DELIVERY SYSTEM



Group Art Unit: 1805

Examiner: N. Vogel

\* \* \* \* \*

July 29, 1997

RECEIVED

AMENDMENT

JUL 30 1997

GROUP 1800

Hon. Commissioner of Patents  
and Trademarks  
Washington, D C. 20231

Sir:

In response to the Office Action issued April 29, 1997,  
please enter the following amendments and consider the following  
remarks.

IN THE CLAIMS:

Amend the claims as follows:

28. (Amended) A method for delivering DNA to a cell, said  
method comprising:

- (i) introducing said DNA into an attenuated *Shigella*, said  
*Shigella* having an attenuating factor which will result in  
lysis of the *Shigella* after entry into said cell; and  
(ii) administering said *Shigella* to said cell.

44. (Amended) A method for the delivery of functional  
nucleic acids into a cell using bacteria comprising:

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT  
APPLICATION

In re PATENT APPLICATION of

Inventor(s): BRANSTROM et al.

Appln. No.: 08 711,961

Series Code † Serial No. †

Filed: September 6, 1996

Title: BACTERIAL DELIVERY SYSTEM

Group Art Unit: 1805

Examiner: Vogel

Atty. Dkt.

235620

M#

Client Ref

(Our Deposit Account No. 03-3975)

(Our Order No.

71087

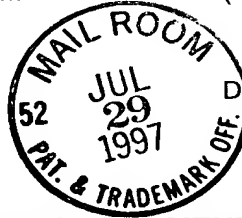
235620

C#

M#

Hon. Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

Sir:



Date: July 29, 1997

RECEIVED

JUL 30 1997

## RESPONSE/AMENDMENT/LETTER

GROUP TWO

This is a response/amendment/letter in the above-identified application and includes the herewith attachment of same date and subject which is incorporated herein by reference and the signature below is to be treated as the signature to the attachment in absence of a signature thereto.

## FEE REQUIREMENTS FOR CLAIMS AS AMENDED

1. "Small Entity" statement(s) filed											
<input type="checkbox"/> previously											
<input type="checkbox"/> herewith		(No.)									

	Claims remaining after amendment	Highest number previously paid for	Present Extra	Large/Small Entity	Additional Fee	Fee Code
2. Total Effective Claims	*	**minus	=	x \$22/\$11 =	+	103/203
3. Independent Claims	*	***minus	=	x \$80/\$40 =	+	102/202
4. If amendment enters proper multiple dependent claim(s) into this application for first time (leave blank if this is a reissue application) . . . . . add				+\$260/\$130=	+	104/204
5. Original due date: JULY 29, 1997		NONE				
6. Petition is hereby made to extend the original due date to cover the date this response is filed for which the requisite fee is attached		(1 mo) (2 mos) (3 mos)	\$110/\$55 = \$390/\$195 = \$930/\$465 =	+		115/215 116/216 117/217
7. Enter any previous extension fee paid since above original due date (item 5) and subtract				-		
8. Extension Fee Attached					+	
9. If Terminal Disclaimer attached, add Rule 20(d) official fee . . . . .				+\$110/\$55=	+	148/248
10. If IDS attached requires Official Fee, . . . . . add				+\$230 =	+	126
or if Rule 97(d) Petition, . . . . . add				+\$130 =	+	122
11. After-Final Request Fee per Rules 129(a) and 17(r) . . . . .				+\$770/385=	+	146/246
12. No. of additional inventions for examination per Rule 129(b): . . . . .				x\$770/385ea=	+	149/249
13. Petition fee for					+	
14. TOTAL FEE ENCLOSED =					\$0	

15. \*If the entry in this space is less than entry in the next space, the "Present Extra" result is "0".  
 16. \*\*If the "Highest number previously paid for" in this space is less than 20, write "20" in this space.  
 17.\*\*\*If the "Highest number previously paid for" in this space is less than 3, write "3" in this space.

CHARGE STATEMENT: The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficiencies only) now or hereafter relative to this application and the resulting Official Document under Rule 20, or credit any overpayment, to our Account/Order Nos. shown in the heading hereof, for which purpose a duplicate copy of this sheet is attached.  
 This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal sheet is filed.

Query: Is appeal deadline now? If so, file Notice of Appeal separately.

Cushman Darby & Cushman  
Intellectual Property Group of  
Pillsbury Madison & Sutro LLP

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Atty/Sec: ASH/maf

By: Atty: Ann S. Hobbs

Reg. No. 36,830

Sig:

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NOTE: File this cover sheet in duplicate with PTO receipt (CDC-103A) and attachments